



Atty. Dkt. No. 075850-0188

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schneider

Title: PUMP

Appl. No.: 09/965,166

Filing Date: 09/27/2001

Examiner: Unknown

Art Unit: Unknown

<p align="center">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p align="center"><u>Pamela Ann Torpy</u> (Printed Name)</p> <p align="center"><u>Pamela Ann Torpy</u> (Signature)</p> <p align="center"><u>November 13, 2003</u> (Date of Deposit)</p>

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Applicant, by attorney for the Assignee, Sta-Rite Industries, Inc. petitions and requests under 37 C.F.R. § 1.181(a) that the holding of abandonment for Application Serial No. 09/965,166, in the Office communication dated October 29, 2003, be withdrawn. This petition is being submitted promptly after Applicant has learned of the abandonment on the basis of the Notice of Abandonment mailed by the Office on October 29, 2003.

The PTO mailed a Notice of Abandonment on October 29, 2003, indicating that the captioned application became abandoned for applicant's failure to timely reply to the Notice to File Missing Parts. The Notice of Abandonment indicates that a Notice to File Missing Parts was mailed on October 23, 2001.

The undersigned submits that the October 23, 2001 Notice to File Missing Parts was not received. The undersigned made a search of the file jacket and docket records, which search indicates that the Notice was not received. All correspondence received from the PTO is routed

through our principal administrator, Kathy Schmid, for docketing. After docketing, the correspondence is routed to the responsible attorney. The attached reports from our docketing system list all documents received by Foley & Lardner from the PTO for Application Serial No. 09/965,166. Had it been received, the subject Notice to File Missing Parts would have been entered and listed in the attached reports. As can be seen from these records, no document relating to Serial No. 09/965,166 arrived in our offices.

Foley & Lardner also maintains a docket record of all replies due to the PTO. A reply to a Notice to File Missing Parts mailed October 23, 2001, would have been due on December 23, 2001. The principal administrator in charge of docketing replies for the subject application, Kathy Schmid, searched her docket log for replies due to the PTO for the period of October 22, 2001 through November 13, 2003, but found no record of any Office Action requiring reply or fee payment for this application. A copy of these docket records is also attached.

In view of the foregoing, Applicant requests the PTO to withdraw the holding of abandonment of this application and to return the application to pending status with a new period for filing executed formal papers and payment of the filing fee and surcharge.

It is believed that no fee is required for filing this petition; but should a fee be required, the PTO is authorized to charge the appropriate fee for filing this petition to Foley & Lardner's Deposit Account 06-1447.

Respectfully submitted,

Date 11-13-03

By Kenneth G. Lemke

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